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10/669,897	09/25/2003	Raouf A. Guirguis	3086-101	5261

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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3715

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/669,897	Applicant(s) GUIRGUIS, RAOUF A.	
	Examiner Cameron Saadat	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/25/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 18-25 and 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18-25 and 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/2006 has been entered. Claims 1-13, 18-25, and newly added claims 37-44 are pending in this application. Claims 14-17 and 26-36 are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-21 and 24 are rejected under 35 U.S.C. 102 (e) as being anticipated by Khalsa (US Patent Application Publication 2002/0051958 A1).

Regarding claim 18, Khalsa discloses a method for facilitating instructor training of students, comprising: having a student access course content via a student computer configured to present course content to the student; modifying the course content presented to the student based on an electronic instructor command sent from an instructor computer to the student computer¹⁰⁹ over the Internet ¹⁰⁶ via a videoconferencing system, *See ¶ 95 and ¶ 124*; having the student communicate remotely with the instructor in substantially real time audio or video (See Fig. 4A, refs. 201-203; ¶100; ¶95).

Regarding claim 19 Khalsa discloses a training system wherein the student computer and instructor computer each include audio and video receivers and transmitters to enable real time communication between the instructor and the student (§95).

Regarding claim 20, Khalsa discloses a method, comprising: controlling a course presentation to a remote student computer by electronic instructor commands sent via a network from an instructor computer to the student computer 109 over the Internet 106 via a videoconferencing system, *See* § 95 and §124; and enabling the remote student to conduct real-time communication with the instructor using a video camera coupled to the student computer (See Fig. 4A, refs. 201-203; §100; §95; Fig. 1).

Regarding claim 21, Khalsa discloses a method wherein the controlling a course presentation and the conducting real-time communications are carried out concurrently (See Fig. 4A, refs. 201-203; §100; §95; Fig. 1).

Regarding claim 24, Khalsa discloses a method, further including tracking student activities on the student computer remotely by the instructor at an instructor computer via a tracking tool (§124-125).

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (USPN 5,267,865; hereinafter Lee).

Regarding claim 13, Lee discloses a training system, comprising: a central server containing course management software; a student device, the student device storing course content that was previously downloaded from the central server; at least one instructor computer networked with the student device and the central server, the instructor computer and the student device being configured to enable an electronic instructor command to be sent from the instructor computer to the student device; wherein upon receipt of the electronic instructor command, the student device modifies the course content stored in the student device based on instructor command (Col. 5, lines 14-39).

Claims 37-38 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Abrahamson et al. (USPN 5,002,491; hereinafter Abrahamson).

Regarding claim 37, Abrahamson discloses a training system, comprising: a student computer 40 configured to present course content to a first student; a second student computer 40 configured to present course content to a second student; at least one instructor computer 10 networked with the first and second student computers, the instructor computer being configured to enable a first instructor command to be sent from the instructor computer to only the first student computer and being configured to enable a second instructor command to be sent from the instructor computer only to the second student computer; wherein, upon receipt of the first instructor command, the first student computer is modified; wherein upon receipt of the second instructor command, the second student computer is modified (Col. 11, lines 38-55; Col. 18, lines 24-27).

Regarding claim 38, Abrahamson discloses a training system wherein the instructor command enables the first student computer to interact with another student computer (Col. 14, lines 42-50).

Regarding claims 42-44, Abrahamson discloses a training system wherein the instructor may send instructor commands to one student (as per claim 34); a subset of students (as per claim 35) or (as per claim 36) to an entire group of students (Col. 11, lines 38-55; Col. 18, lines 24-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khalsa (US Patent Application Publication 2002/0051958 A1) in view of Abrahamson et al. (USPN 5,002,491; hereinafter Abrahamson).

Regarding claim 1, Khalsa discloses a training system, comprising: a plurality of student computers 109 configured to present course content to students; at least one instructor computer 105 networked with a plurality of student computers (§ 95), the instructor computer and the plurality of student computers being configured to enable an electronic instructor command to be sent from the instructor computer to the student computers 109 over the Internet 106 via a videoconferencing system, *See § 95 and § 124*; wherein the electronic instructor command causes each student computer that receives the instructor command to modify a sequence of course content (*See Fig. 4A, refs. 201-203; § 100*); the student computers and the instructor computer each including audio and video receivers and transmitters to enable real time communication between the instructor and the student (§ 102). Khalsa discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of sending an instructor command to a *subset* of a plurality of students. However, Abrahamson teaches an analogous training system wherein an instructor may send instructor commands to one student; a subset of students or an entire group of students (Col. 11, lines 38-55; Col. 18, lines 24-27). Thus, in view of Abrahamson, it would have been obvious to one of ordinary skill in the art to modify the instructor command described in Khalsa, by sending an instructor command to a *subset* of students, in order to allow students to conduct separate activities or be grouped together for a particular activity. *See Abrahamson, Col. 11, lines 38-53.*

Regarding claim 2, Khalsa discloses a training system wherein the student computers and the instructor computer each include audio and video receivers and transmitters to enable real time audio and video communication between the instructor and the student (§ 95).

Regarding claim 3, Khalsa discloses a training system wherein the student computers enable the course content presented to the respective student to be modified based on the instructor commands (See Fig. 4A, refs. 201-203; ¶100).

Regarding claims 22 and 23, Khalsa discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of downloading content in advance of a class (as per claims 22 and 23); without requiring the use network communication over a public network (as per claim 5). However, Abrahamson discloses an educational system wherein educational content may be distributed to student terminals prior to a class session, thereby allowing a student to view educational content when the student does not have access to a network (Col. 11, lines 5-17). Hence, in view of Abrahamson it would have been obvious to one of ordinary skill to modify the training system described in Khalsa by distributing educational content prior to class and not requiring a network, in order to allow students to study at home and review his or her progress during the next class session.

Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khalsa (US Patent Application Publication 2002/0051958 A1) in view of Lee et al. (USPN 5,267,865; hereinafter Lee).

Regarding claims 4-5, Khalsa discloses a training system, comprising: a plurality of student devices 109, the course content having a pre-determined sequence; at least one instructor operable computer 105 networked with the plurality of student devices, the instructor operable computer and the plurality of student devices being configured to enable an electronic instructor command to be sent from the instructor computer to the student devices 109 over the Internet 106 via a videoconferencing system, *See ¶ 95 and ¶124*; wherein the electronic instructor command causes each student device that receives the instructor command to modify the pre-determined sequence of course content (See Fig. 4A, refs. 201-203; ¶100). Khalsa discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of storing the course content on the student devices. However, it is the examiner's position

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that providing content over a network or storing content locally are both well known methods of delivering content. In addition, Lee discloses a training system wherein course content is stored on a student device (Col. 5, lines 32-36). Hence, in view of Lee, it would have been obvious to one of ordinary skill in the art to modify the course content described in Khalsa, by storing course content on a student computer in order to allow students to select particular lesson segments already stored on the hard drive of the student computer.

Regarding claim 6, Khalsa discloses a training system further including student training module computers 109 networked with the instructor operable computer 105 (See Fig. 1).

Regarding claim 7, Khalsa discloses a training system, wherein the student training module computers are located at an on-site facility of a training entity operating the training system (§ 93).

Regarding claim 8, Khalsa discloses a training system wherein the course content includes lessons that are divided into a plurality of lesson units and wherein upon receipt of the instructor command, the student devices modify the order of presentation of lesson units based on the instructor commands (See Fig. 4A, refs. 201-203; §100).

Regarding claim 9, Khalsa discloses a training system further including a courseware generation tool module (§ 98).

Regarding claim 11, Khalsa discloses a training system further including a student activity tracking tool module (§ 125).

Regarding claims 10 and 12, Khalsa discloses a system wherein educational content is delivered using Microsoft PowerPoint (§ 98). Although Implied, Khalsa does not explicitly disclose the feature of storing content on a server. However, it is the examiner's position that storing PowerPoint presentations is old and well known, and the feature of storing content on a server is old and well known for allowing remote users to access the content. Thus it would have been obvious to one of ordinary skill in the art to

modify the educational content described in Khalsa, by storing the content on a central server in order to allow remotely located users to access the content.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khalsa (US Patent Application Publication 2002/0051958 A1) in view of Champion et al. (USPN 6,734,919; hereinafter Champion).

Regarding claim 25, Khalsa discloses a course training console, comprising: a computer system having a student console for displaying course lesson information, wherein the course lesson information is pre-stored in digital data storage prior to displaying course lesson information the console including at least one audio/video receiver and transmitter configured to provide real time feedback from a remote instructor (§ 95, 98). Khalsa discloses all of the claimed subject matter with the exception of explicitly disclosing that the console includes a plurality of monitors, wherein a first monitor displays reference material; a second monitor displays the output of a video camera; wherein a third monitor displays shared text information. However, Champion discloses a collaborative video-conferencing system, comprising a console that includes three monitors, wherein a first monitor 2 displays reference material; a second monitor 6 displays the output of a video camera; wherein a third monitor 3 displays shared text information (See Fig. 2 and Col. 1, line 54 – Col. 2, line 19). Thus, in view of Champion, it would have been obvious to modify the video-conferencing monitor described in Khalsa, by providing multiple monitors, in order to allow for the collaboration and sharing of data and computer programs between participants. In addition, Champion does not explicitly disclose that the shared text information is an instant message. However, the examiner takes official notice that the feature of providing instant messaging between students and teachers within a network educational system, for providing communication, is old and well known, and thus would have been an obvious modification.

Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrahamson et al. (USPN 5,002,491; hereinafter Abrahamson).

Regarding claims 39-40, Abrahamson discloses an educational system where student terminals are organized in clusters of more than three. Abrahamson does not explicitly disclose the feature of arranging student computers wherein students sit facing non-parallel to one another in adjacent consoles. However, it would have been an obvious matter of design choice as to the arrangement of student terminals wherein no stated problem is solved or unexpected result is obtained by prescribing an arrangement of student computers in console clusters of three, in which students sit facing non-parallel to one another in adjacent consoles.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abrahamson et al. (USPN 5,002,491; hereinafter Abrahamson) in view of Khalsa (US Patent Application Publication 2002/0051958 A1)

Regarding claim 41, Abrahamson discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing audio/video receivers and transmitters to enable real time communication between the instructor and the student. However, Khalsa teaches an educational system wherein audio/visual communication is provided between students and an instructor, in order to provide a collaborative learning environment. Hence, in view of Khalsa, it would have been obvious to one of ordinary skill in the art to modify the instructor and computer interface described in Abrahamson, by providing audio/video communication in order to provide a collaborative learning environment (§ 95).

Response to Arguments

Applicant's arguments filed 1/25/2006 have been fully considered but they are not persuasive. Applicant purports that Khalsa does not disclose an electronic instructor command since the broadcasts of human instructor-to-student is not computer-to-computer. The examiner respectfully disagrees. The instructor command is not merely an instructor speaking to students within a classroom. Instead, Khalsa teaches an electronic instructor command sent from an instructor computer to the student computer¹⁰⁹ over the Internet ¹⁰⁶ via a videoconferencing system, See § 95 and §124.

Applicant further emphasizes that Lee fails to teach or suggest electronic instructor commands. The examiner disagrees. Lee describes the feature of sending electronic instructor commands by allowing an instructor and/or a system program to tailor each student's individual learning program (Col. 5, lines 19-25) utilizing a teacher workstation 40, LAN 44, and student workstations 10 (See Fig 1).


It is additionally asserted by applicant that, Champion does not disclose a single console having multiple monitors that display separate information on each monitor. The examiner disagrees. See Fig. 2 and Col. 1, line 54 – Col. 2, line 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cameron Saadat
March 30, 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER